

REMARKS

A. Overview

In response to the Final Rejection dated November 23, 2005, Applicant submits the following Amendment on a Rule 116. It is respectfully submitted this response places claims in form for allowance or at least in better form for appeal. Entry and consideration is respectfully requested.

B. 35 U.S.C. § 103 Rejections

The action rejects all claims as obvious based on Fogerty U.S. Patent No. 5,186,673 in light of Norman et al., U.S. Patent No. 6,227,930.

This response introduces amendments to the independent claims in an earnest effort to place them in form for allowance. The Final Rejection has been carefully reviewed and it is respectfully submitted the amended independent claims are not obvious in light of combination of art for the following reasons:

1. The independent claims now recite that the material is "conformable, lightweight, cohesive self-adherent elastic wrappable material". Support for this addition can be found at least at Applicant's Specification, page 9, line 30-page 10, line 13.
2. The independent claims have been amended to include the limitation that material has "a width, length, and relatively thin, uniform thickness". This is a subtle but important limitation regarding one aspect of the invention. First, relatively thin, uniform thickness allows the material to conform to the shape and even small contours of the doll or parts of the doll, and assume that shape. Secondly, it allows additional layers of the material to be added one on top of the other without making the clothing look out of scale.

3. Some of the independent claims have language that specifically describes that the material can be applied to the doll "in almost any way or configuration, repeatedly removed and reapplied in the same or different configuration, or applied to different dolls or mannequins". This is important because it essentially allows this aspect of the invention to be purchased and used for any doll, not one particular type.

As emphasized in Applicant's Specification, these aspects of Applicant's invention allow customer to create virtually an unlimited number and type of clothing configurations for dolls which additionally have the ability to quite strikingly simulate actual clothing, even though the material being used is not clothing fabric. It is by the very nature of the material (having the properties now in the amended claims) that allows this.

In contrast, Fogerty '673, while using actual material like that used for regular clothing, requires the addition of some sort of attaching device such as resilient waist band 14, resilient under jacket 22, resilient plastic under jacket 44, resilient waist string 38, resilient plastic under jacket 60, or snap-on structure to which the clothing is attached, in order for the clothing to be connected to the doll.

While Norman '930 describes its clothing items as "elastomeric or flexible and elastic", they are injected molded plastics or polymers, or rubber. They have to be molded in a fashion that they can be fit over and snapped on the doll, so to speak, or the arm of the doll actually inserted through a molded arm opening or leg opening.

As emphasized in Applicant's Specification, unlike Fogerty, which requires some added-on resilient or elastic piece to which the regular fabric clothing material is attached, and unlike Norman, which does not utilize any real look-a-like fabric-type material but has to specifically mold the clothing for specific sized and shaped doll, the Applicant's invention allows a mass

produced product that can be fit and applied to virtually any doll of any size or configuration, and removed and applied to a different sized or configured doll. Neither Fogerty nor Norman could do this. The resilient clips or elastic waist bands have to be sized to allow it to be clipped or positioned on a certain size doll. The molded features of Norman cannot be applied to the substantially different sized dolls.

Claims have language that describes an aspect of Applicant's invention that allows this differentiation. A single piece of material has integral properties that allow it to be applied to any number of doll shapes and configurations in any number of configurations -- a highly flexible system that allows huge creativity for the customer.

Again, Fogerty does not disclose, teach, or suggest a material that is "cohesive, self-adherent, elastic, and wrappable". Even if arguably Fogerty is considered wrappable, its material is not cohesive self-adherent. At best, Fogerty shows examples where a velcro or hook and loop fastener 25 could be connected to its complementary hook or loop fastener 27 to close a skirt around a doll. This is not cohesive self-adherent. It requires the addition by sewing or other methods of a separate set of pieces 25 and 27. Even velcro is not cohesive, self-adherent. It requires one piece 25 that is either the hooks or the loops and the other piece 27 that is the opposite of 25.

With regard to Norman, it also does not disclose, teach or suggest a material which is "conformable, lightweight, cohesive self-adherent elastic wrappable". As stated in Norman, it requires special molding of each piece to create its clothing appearance and to create structural geometries that allow each piece to be "donned" over portions of the doll in a manner that holds the piece to the doll. There is no wrap ability or cohesive self-adherence.

Therefore, neither cited reference teaches or suggests the limitations or the amended independent claims. Moreover, Norman and Fogerty do not suggest a combination. They suggest different solutions. One uses actual clothing material and adds separate structure to allow it to be snapped-on to the doll. The other molds non-clothing plastic or rubber and paints ornaments it to try to look like clothing but uses the molded shape of each piece to hold it on the doll. Therefore, the combination does not present a *prima facie* case of obviousness because they do not suggest combination with each other and actually teach away from each solution. But, moreover, even if combined, their teachings have no suggestion or motivation for making the material self-adhering, cohesive, elastic, wrappable, conformable, and lightweight, in a single piece of material. Therefore, even combined the teachings do not create a *prima facie* case of obviousness.

Stated differently, the aspects of Applicant's invention set forth in her claims describe reconfigurable simulated doll clothing that can be applied in an almost limitless ways and configurations to an almost limitless set of doll configurations, sizes, and shapes because that single piece of material is conformable and can be cohesively self-adhered to it. It can be wrapped around the waist of a doll and formed to what looks like a skirt. It can be removed and wrapped around the torso to look like a tank top. It can wrap around a leg to look like a stocking. It can be wrapped around the head to look like a headband. Simulated clothing of Fogerty and Norman cannot do that and the reason is the structure of the material they teach should be used.

Thus, it is submitted Applicant's claims are in form for allowance and that the amendments are clearly supported by the Applicant's Specification. Specifically, method claim 18, method claim 21, and kit claims 32 and 36 have been amended to include the properties of the materials set forth in claim 1. It is respectfully submitted that the method claims are clearly

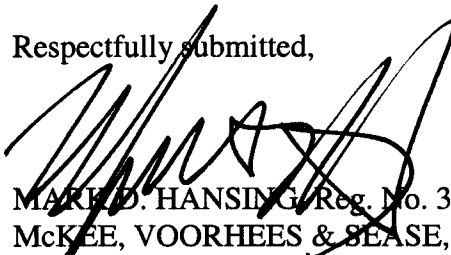
not taught or suggested in either cited reference or their combination. Also, the kit claims are not suggested. Therefore, it is respectfully submitted that all claims herein are in form for allowance.

C. Conclusion

It is respectfully submitted that all matters raised in the Final Rejection have been addressed and remedied and that the claims are in form for allowance.

This Amendment accompanies a Request for Continued Examination (RCE). Please charge Deposit Account No. 26-0084 the amount of \$395.00 per the attached Request for Continued Examination Transmittal. No other fees or extensions of time are believed to be due in connection with this amendment; however, consider this a request for any extension inadvertently omitted, and charge any additional fees to Deposit Account No. 26-0084.

Reconsideration and allowance is respectfully requested.

Respectfully submitted,


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